

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-9, 11-17 and 19-24 have been rejected.

Claim 5 is requested to be cancelled.

Claim 1, 6, 9 and 11-12 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. After amending the claims as set forth above, claims 1-4, 6-9, 11-17 and 19-24 are now pending in this application.

The present application was filed on January 25, 2002 with 25 claims. A first Official Action was mailed on April 1, 2003. In addition to a formal objection, the Examiner rejected all of the claims under 35 U.S.C. § 112 due to a lack of antecedent basis in some claims and other informalities. The Examiner rejected 1-15, 17-21 and 23-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,802,942, issued to Cornell et al. The Examiner also rejected claims 16 and 22 under 35 U.S.C. § 103 as being obvious based upon U.S. Pat. No. 5,802,942 (the "Cornell reference") in view U.S. Patent No. 4,967,628 ("the Judd reference").

Applicant filed an Amendment and Reply to the April 1, 2003 Official Action on June 11, 2003. In this Amendment and Reply, Applicant amended claims 1, 4, 5, 13 and 17 to overcome the Examiner's rejections under 35 U.S.C. § 112. In response to the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103, Applicant traversed the rejections, arguing with particularity that the prior art cited by the Examiner failed to disclose the feature in claim 1 of a slot having a first width at a first portion thereof and a second width at a second portion thereof, the first width being larger than the second width, wherein the carrier is sized to be removed from the slot when

positioned adjacent the first width of the slot and impeded from being removed adjacent the second width of the slot. Also see similar features in claims 17 and 24.

In a Second Office Action mailed August 27, 2003, the Examiner repeated the rejections of claims based the Cornell reference in view of the Judd reference. The Examiner made the rejections final. In response, Applicant filed a Notice of Appeal on November 25, 2003. On April 21, 2004, Applicant filed an Appeal Brief supporting the Applicant's position and requesting allowance of the claims.

The Examiner did not file a brief but rather, over twenty months later, reopened prosecution of this application. The Examiner issued a Third Office action on December 21, 2005, rejecting claims 1-9, 11-15, 17, 19-21 and 23-24 under 35 U.S.C. §103(a) as being unpatentable again over the Cornell reference, but this time in view of U.S. Patent No. 3,108,349 (the "Takacs reference"). Claims 16 and 22 were rejected as being unpatentable over the Cornell reference and the Takacs reference in view of the Judd reference. In each of these rejections, the Examiner took the position that the Takacs reference teaches the use of slots with varying widths, and that it would therefore have been obvious to combine this feature with the Cornell reference.

The Applicant filed a response in due course rebutting the Examiner's arguments and requesting the rejections be withdrawn and noting the failure of the Examiner to analyze the claims element-by-element. On June 29, 2006, the Patent Office allowed the application, (the then pending claims were claims 1-9, 11-17, and 19-24). However, on July 26, the Patent Office withdrew the application from allowance. On October 19, 2006, the Examiner issued an Fourth Office Action rejecting all of the pending claims (claims 1-9, 11-17, and 19-24). The claims were rejected under 35 U.S.C. 103(a) as being obvious over the Cornell reference in view of U.S. Pat. No. 2,823,969 (the "Travner reference").

In response to the Examiner's latest set of rejections, Applicant has amended claims 1, 6, 9 and 11-12. Specifically, Applicant have amended claim 1 to include the limitation of claim 5. Claim 1 now states that "the carrier including a first cylindrical portion and second cylindrical

portion on opposite sides of the slot” and “the plate including an arcuate portion on each side of the slot corresponding to the cylindrical portions of the carrier such that the carrier travels along the plate via the interaction of the cylindrical portions with the arcuate portions.” Claims 6, 9, 11, and 12 have been amended to correct their dependency from the now canceled claim 5. Claims 6, 9, 11, and 12 now depend directly from claim 1.

Turning to the Examiner’s rejections, the Examiner has again stated that the Cornell reference teaches all of the claimed elements except for the dual width slot and that the newly cited Travner reference discloses a dual width slot. However, the Examiner has continued to ignore elements of claims 1-4, 6-9, 11-15, 17, and 19-24, particularly the oppositely extending sides of the carriers. As previously explained, claim 1 has been amended to include the limitation of claim 5. As such, independent claim 1 and its dependent claims 2-4, 6-9, 11-16, as well as independent claim 24, all require a first cylindrical portion and second cylindrical portion on opposite sides of the slot. Further, these claims also require the plate including an arcuate portion on each side of the slot corresponding to the cylindrical portions. The Examiner has not cited in any of the various office actions issued during prosecution of this application any references that teach the claimed cylindrical portions and corresponding arcuate portions.

With regard to independent claim 17 and claims 19-23, which depend therefrom, the claims require “a top flange having a pair of oppositely extending sides, a foot extending from the top flange” and “a portion of the pair of oppositely extending sides being arcuate in shape and slidably received within the arcuate surface of the elevated portion.” Similar to the limitations of claims 1, 2-4, 6-9, 11-16, and 24, the Examiner has failed to once cite any reference that discloses these structures.

With respect to the specific rejection of the claims over the Cornell reference in view of the Travner reference, neither reference teaches the use of a flange having oppositely extending sides with portions specifically shaped to interact with a corresponding arcuate portion of the plate. Although the Cornell reference teaches a “top flange 96 having a width greater than that of the slot 60 but less than that of top recess 66” (Col. 4, ln 4-6), the Cornell reference does not

provide any teaching regarding the shape of the top flange, let alone a discussion of the use of a cylindrical portion. The Cornell reference is also silent as to the shape of the plate.

On the other hand, the Travner reference simply does not have a corresponding carrier as described in the claims. The carrier of the Travner reference consists of a flat shoe with a blade attached below and a tab attached above. The shoe is a "flat guide shoe" which is "adapted to slide in the slot 41 serving as a track...." (Col 2, ln 57 - 59) Thus, the Travner reference lacks any corresponding structure to the carrier as described in the claims, and provides no disclosure regularly oppositely extending sides having a substantially cylindrical portion. For this reason, even if the teachings of the Cornell reference and the Travner references were combined, they still would failed to teach all of the features of claims 1-4, 6-9, 11-15, 17, and 19-24.

Favorable reconsideration of the application as amended is respectfully requested. For at least the above reasons, Applicant believes that the present application is now in condition for allowance. Applicant requests that the Examiner withdraw the rejection of claims 1-4, 6-9, 11-15, 17, and 19-24 under 35 U.S.C. § 103 and allow the claims. Furthermore, due to the facts that this case has been pending for nearly 5 years, the long gap between issuance of actions, and the consistent failure of the Examiner to do an element by element analysis applying the prior art to the claims, Applicant requests the courtesy of a telephonic interview with the Examiner before any new action is issued.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

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